

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL
INDUSTRY AVERAGE WHOLESAL
PRICE LITIGATION

MDL NO. 1456

**CIVIL NO: 1:01-CV-12257-PBS
1:05-CV-11795-PBS**

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

*State of Florida, et al. v. Al
Inc., et al.,*

JOINT MOTION FOR CONSIDERATION OF SCHEDULING ORDER

By order of this Court dated September 1, 2005, the civil action known as *State of Florida et al. v. Al
Inc. et al.* (1:05-CV-11795-PBS) ("the Florida action") was consolidated with *In Re Pharmaceutical Industry Average Wholesale Price Litigation* (1:01-CV-12257-PBS). The clerk of this Court has accordingly issued a letter to the Clerk of the United States District Court for the Northern District of Florida, Tallahassee Division, to transfer their case file to Boston.

The plaintiffs in the Florida action have filed a motion to remand the case back to Florida state court in Tallahassee. Undersigned counsel, on behalf of all parties to the Florida action, hereby jointly move for consideration of a scheduling order (attached) with respect to the briefing of the motion for remand. The proposed order would require the plaintiffs to file a new memorandum in support of the motion for remand by Friday, September 16, 2005. Defendants' response would be filed on or before October 14,

2005, and further proceedings in the matter stayed until this Court rules on the issue of remand.

The parties jointly request that the Court adopt the proposed scheduling order.

Respectfully submitted,



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